

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 19, 2004

AMENDED IN SENATE APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 782**

**Introduced by Assembly Member Kehoe**  
(Principal coauthor: Senator Burton)

February 20, 2003

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An act to ~~add Section 216 to~~ *repeal and add Section 2024.5 of, and to add Section 2024.6 to, the Family Code, relating to public court records.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 782, as amended, Kehoe. ~~Public~~ *Court records: family law.*

*Existing law generally recognizes court records as public records, unless a specific exception applies. Under existing law, one exception with respect to dissolution matters allows social security numbers of persons involved to be kept in the confidential portion of court files.*

*This bill would establish procedures for keeping the location or identifying information about the assets and liabilities of the parties in a dissolution matter sealed. The bill would require a related Judicial Council form to be revised in accordance with those procedures and would make other related changes. The bill would also repeal the provision described above which allows social security numbers to be kept in a confidential portion of the court files. The bill would instead require the Judicial Council form used to file a petition in specified dissolution matters to contain a notice that the parties may redact social*

*security numbers from pleadings, attachments, documents, or other material filed with the court.*

~~Existing law provides that every person has a right to inspect any public record, except with respect to public records exempt from disclosure by express provisions of law. Under existing law, “public record” includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency. Existing law exempts from disclosure specified documents and information filed in connection with legal proceedings involving dissolution of marriage, nullity of marriage, legal separation, child support, spousal support, and certain other matters regarding familial relationships.~~

~~This bill would provide that specified pleadings and orders relating to proceedings for dissolution of marriage, nullity of marriage, and legal separation, and actions brought under certain provisions of law involving parent and child relationships, are public records of the superior court. The bill would provide that all other pleadings and orders are confidential and may be accessed only upon order of the court for good cause.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1.—Section 216 is added to the Family Code, to~~
- 2     ~~SECTION 1. Section 2024.5 of the Family Code is repealed.~~
- 3     ~~2024.5.—(a) A petition for dissolution of marriage, nullity of~~
- 4     ~~marriage, or legal separation of the parties shall include a separate,~~
- 5     ~~one-page document that lists all relevant social security numbers~~
- 6     ~~known to the petitioner that pertain to the petitioner, respondent,~~
- 7     ~~and any minor child of the parties.~~
- 8     ~~(b) The first responsive pleading filed in a proceeding for~~
- 9     ~~dissolution of marriage, nullity of marriage, or legal separation of~~
- 10    ~~the parties shall include a separate, one-page document that lists~~
- 11    ~~all relevant social security numbers known to the respondent that~~
- 12    ~~pertain to the petitioner, respondent, and any minor child of the~~
- 13    ~~parties.~~
- 14    ~~(c) The list specified in subdivision (a) or (b) shall be placed in~~
- 15    ~~the confidential portion of the court file of the proceeding, and may~~
- 16    ~~not be disclosed except for good cause shown to the court.~~

1 ~~(d) The Judicial Council form used to file a document specified~~  
2 ~~in subdivision (a) or (b) shall contain a notice that the parties may~~  
3 ~~redact the social security numbers placed in the confidential~~  
4 ~~portion of the court file from pleadings, attachments, documents,~~  
5 ~~or other material filed with the court only after the document~~  
6 ~~listing all relevant social security numbers is placed in the~~  
7 ~~confidential portion of the court file.~~

8 ~~(e) The petitioner or respondent may redact any social security~~  
9 ~~number that was placed in the confidential portion of the court file~~  
10 ~~pursuant to this section from any pleading, attachment, document,~~  
11 ~~or other written material filed with the court only after the~~  
12 ~~document listing all relevant social security numbers is placed in~~  
13 ~~the confidential portion of the court file.~~

14 ~~(f) An Abstract of Support Judgment or any similar form~~  
15 ~~created by the Judicial Council or the Department of Child Support~~  
16 ~~Services for the purpose of collecting child support payments is~~  
17 ~~not subject to subdivision (e).~~

18 *SEC. 2. Section 2024.5 is added to the Family Code, to read:*

19 *2024.5. (a) The Judicial Council form used to file a petition*  
20 *for dissolution of marriage, nullity of marriage, or legal*  
21 *separation, or a response to such a petition shall contain a notice*  
22 *that the parties may redact any social security numbers from*  
23 *pleadings, attachments, documents, or other material filed with*  
24 *the court.*

25 *(b) An Abstract of Support Judgment or any similar form*  
26 *created by the Judicial Council or the Department of Child*  
27 *Support Services for the purpose of collecting child support*  
28 *payments is not subject to subdivision (a).*

29 *SEC. 3. Section 2024.6 is added to the Family Code, to read:*

30 *2024.6. (a) Upon request by a party to a petition for*  
31 *dissolution of marriage, nullity of marriage, or legal separation,*  
32 *the court shall order a pleading that lists the parties' financial*  
33 *assets and liabilities and provides the location or identifying*  
34 *information about those assets and liabilities sealed. The request*  
35 *may be made by ex parte application.*

36 *(b) The Judicial Council form used to declare assets and*  
37 *liabilities of the parties in a petition for dissolution of marriage,*  
38 *nullity of marriage, or legal separation of the parties shall require*  
39 *the party filing the form to state whether the declaration contains*  
40 *identifying information on the assets and liabilities listed therein.*

1 *If the party making the request uses a pleading other than the*  
2 *Judicial Council form, the pleading shall exhibit a notice on the*  
3 *front page, in bold capital letters, that the pleading lists and*  
4 *identifies financial information and is therefore subject to this*  
5 *section.*

6 (c) *For purposes of this section, “pleading” means a document*  
7 *that sets forth or declares the parties’ assets and liabilities, a*  
8 *marital settlement agreement that lists and identifies the parties’*  
9 *assets and liabilities, or any document filed with the court*  
10 *incidental to the declaration or agreement that lists and identifies*  
11 *financial information.*

12 (e) *The party making the request to seal a pleading pursuant to*  
13 *subdivision (a) shall serve a copy of the pleading on the other party*  
14 *to the proceeding and file a proof of service with the request to seal*  
15 *the pleading.*

16 ~~read:~~

17 ~~216. (a) The following pleadings and orders relating to~~  
18 ~~proceedings for dissolution of marriage, nullity of marriage, and~~  
19 ~~legal separation of the parties pursuant to Division 6 (commencing~~  
20 ~~with Section 2000) and actions brought under the Uniform~~  
21 ~~Parentage Act (Part 3 (commencing with Section 7600) of~~  
22 ~~Division 12) are public records of the superior court:~~

23 ~~(1) A petition for dissolution or nullity of marriage, legal~~  
24 ~~separation, or for orders under the Uniform Parentage Act.~~

25 ~~(2) The court’s final judgment or order on the petition.~~

26 ~~(3) An order for child support, spousal support, or wage~~  
27 ~~garnishment.~~

28 ~~(4) A petition filed by the Department of Child Support~~  
29 ~~Services, the response thereto, and the court’s order on the petition.~~

30 ~~(5) A protective order, as defined in Section 6218, except to the~~  
31 ~~extent that disclosure of information contained in that order has~~  
32 ~~been prohibited by an ex parte order pursuant to Section 6322.5,~~  
33 ~~and any other protective order that does not contain identifying~~  
34 ~~information about the nature, value, or location of financial assets~~  
35 ~~and liabilities of the parties.~~

36 ~~(b) All other pleadings and orders are confidential and shall be~~  
37 ~~placed in a separate confidential file of the court, and may be~~  
38 ~~accessed only upon order of the court for good cause.~~